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C O R R E C T E D C O P Y (PARAGRAPH MARKINGS)

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SUBJECT: CHAD - TWO KEY ELECTION-RELATED LAWS PASSED BY ASSEMBLY; OTHERS EXPECTED SHORTLY

REF: A. NDJAMENA 530

[1B.](#) NDJAMENA 517

[1C.](#) 07 NDJAMENA 675

NDJAMENA 00000573 001.4 OF 002

SUMMARY

[11.](#) (SBU) The process leading up to future elections is proceeding in a typically desultory, Chadian fashion, but it is indeed proceeding. Only one of the seven draft laws sent by the Comite de Suivi to the Government is still stuck in the GOC apparatus, and it is one that the opposition does not even think is necessary. With the December 5th passage by the National Assembly of the draft law on the CENI (electoral commission), the CENI could be constituted before the end of the year. This would be the true start of preparations for the next elections, as it is the CENI that oversees the whole process.

[12.](#) (SBU) Given its length and level of specificity, there could be issues involving the draft Electoral Code that require some time to work out, but we expect these to be resolved without much delay. Members of the opposition coalition CPDC will continue to quibble about points, but ineffectively, as they are not united. Their complaints that certain elements of the draft laws do not reflect the August 13 Accord are grounded in fact, but it is unrealistic to expect legislators to adopt language that contravenes Chad's Constitution, which may only be amended by national referendum. As far as we can tell, the major issues of contention, other than whether or not deputies who change parties lose their seats, stem from the fact that certain agreements in the August 13 Accord are indeed unconstitutional.

[13.](#) (SBU) Narlejy Yorongar, the opposition parliamentarian, party leader, and former presidential candidate who fled Chad after the events of February 2008, returned to Chad yesterday. We expect him to return to the National Assembly, where his current and back salaries await him. Yorongar's presence will contribute to the return to political "normalcy" that was interrupted in February 2008, but might prove more vexing for Yorongar's colleagues in the opposition than for the Government, because he can be as trenchant a critic of some of them (especially those who joined the GOC in the meantime) as he is of the Deby regime. His party, the FAR, is the only major opposition party that refused to sign the August 13th Accord on election reforms.

[14.](#) (SBU) President Deby recently committed, in an Al Jazeera interview, to hold parliamentary elections, as promised, in

¶2009. The French and EU Ambassadors continue to believe this will happen, despite opposition claims that this is no longer feasible (Ref A). END SUMMARY.

ELECTION-RELATED LEGISLATION FINALLY MOVING FORWARD

¶15. (SBU) The process leading up to future elections is proceeding in a typically desultory, Chadian fashion. Of the seven draft laws sent to the Government by the Comite de Suivi (the Implementing Committee of the August 13 Accord, in which the Government, the majority party, and the opposition coalition are represented) in July/August 2008, only one is still stuck in the GoC bureaucracy -- the one concerning political parties.

¶16. (U) The National Assembly passed the single most important piece of election-related legislation -- that dealing with the CENI (electoral commission), on December 5th. It passed the draft law on the Constitutional Council at the same sitting. The President of the Comite de Suivi, Hassan Ahmat Patcha, who is a member of the MPS (the majority party), is optimistic that President Deby will sign the laws into effect quickly, allowing the CENI to be constituted before the end of the year.

¶17. (U) The other most significant piece of election-related legislation, the Electoral Code, will be voted on in plenary on 15th, after being vetted by the National Assembly's Political Committee. Patcha explained to Acting Pol/EconOff that the draft Electoral Code is being reviewed later because of its length. (COMMENT: This is reasonable, as the draft Electoral Code is longer than all the other drafts combined.)

¶18. (SBU) Ouchar Tourgoudi, the head of the National Assembly

NDJAMENA 00000573 002.4 OF 002

Political Committee, explained last week to Acting Pol/EconOff that the Political Committee's major concern is whether proposed laws are constitutional. He said that his committee, after hearing the views of the concerned ministries and the Comite de Suivi, and checking the Constitution, had made minor changes to the three drafts that were voted on in plenary on December 5th, at times in the Government's favor, but at other times in the Comite de Suivi's favor.

¶19. (SBU) On December 5th the Assembly also considered the draft law on the Supreme Court but, after continuing discussions on December 6th, decided to postpone action until December 10th because of a conflict with Chad's Constitution that was flagged by the Political Committee. (We expect this date to slip further, as December 10 is likely to be a local holiday.)

¶10. (SBU) The National Assembly's Political Committee has not yet focused on the draft Electoral Code. The Government's most recent draft allows deputies to retain their seats as independents if they change parties. The Comite de Suivi objects to this language, as it contravenes the August 13th Accord, which specifies that incumbents elected on a party ticket who subsequently switch parties forfeit their seats, which will then be recontested. Members of the opposition coalition had complained earlier to the Ambassador about an article in the draft Electoral Code containing sanctions for those who call for boycotting elections, and one opposition newspaper recently flagged this issue, but (oddly, in our view) the opposition did not raise this concern within the Comite de Suivi.

¶11. (SBU) We do not know why the draft legislation on political parties has not yet emerged from the Government, but a delay in issuing it should not slow election preparations. Opposition member Salibou Garba told Emboffs that this is a piece of legislation that the Government

wanted; the opposition does not believe it is necessary.

COMMENT

¶12. (SBU) Establishing the CENI would be the true start of preparations for the next elections, as it is the CENI that oversees the whole process. This would be a major step forward in the electoral process. Given its length and level of specificity, there could be issues involving the draft Electoral Code that require some time to work out, but we expect these to be resolved without much delay. Members of the opposition coalition CPDC will continue to quibble about points, but ineffectively, as they are not united. Their complaints that certain elements of the draft laws do not reflect the August 13 Accord are grounded in fact, but it is unrealistic to expect legislators to adopt language that contravenes Chad's Constitution, which may only be amended by national referendum. As far as we can tell, the major issues of contention, other than whether or not deputies who change parties lose their seats, stem from the fact that certain agreements in the August 13 Accord are indeed unconstitutional.

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¶13. (U) Tripoli minimize considered.
NIGRO